

CHAPTER NO. 820

HOUSE BILL NO. 2106

By Representatives Ferguson, Harwell, Lewis, Johnson, Overbey, Ridgeway, Kisber, Caldwell, David Davis, Walker, Brenda Turner, Clem, Sargent, Godsey, Pleasant, Wood, Mumpower, Dunn, Hagood, Montgomery, Kernell

Substituted for: Senate Bill No. 2014

By Senators Person, Burks

AN ACT to amend Tennessee Code Annotated, Title 49 and Title 55, relative to school bus drivers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-2107, is amended by adding the following new subsection:

(e)

(1) Notwithstanding any other provision of law or rules and regulations adopted pursuant to subsection (b) to the contrary, no person shall be issued a certificate to drive a school bus in this state who, within five (5) years of such person's request for such a certificate, has been convicted in this state, or in any other jurisdiction pursuant to a law prohibiting the same conduct, of a violation of any of the following:

(A) Driving under the influence of an intoxicant as prohibited by § 55-10-401;

(B) Vehicular assault as prohibited by § 39-13-106;

(C) Vehicular homicide as prohibited by § 39-13-213(a)(2);

(D) Aggravated vehicular homicide as prohibited by § 39-13-218;
or

(E) Manufacture, delivery, sale or possession of a controlled substance as prohibited by § 39-17-417.

(2) If the request for a certificate to drive a school bus in this state occurs five (5) years or more after the date of any such conviction, the board of education, in its discretion, may issue the person such a certificate.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 21, is amended by adding the following new section 49-6-2117:

Section 49-6-2217

(a) (1) Notwithstanding any other provision of law to the contrary, no private school as defined in § 49-6-3001(c)(3) or church related school as defined in § 49-50-801(a) shall employ or permit a person to drive a school bus in this state who, within five (5) years of such person's application to be employed or serve as a school bus driver, has been convicted in this state, or in any other jurisdiction pursuant to a law prohibiting the same conduct, of a violation of any of the following:

(A) Driving under the influence of an intoxicant as prohibited by § 55-10-401;

(B) Vehicular assault as prohibited by § 39-13-106;

(C) Vehicular homicide as prohibited by § 39-13-213(a)(2);

(D) Aggravated vehicular homicide as prohibited by § 39-13-218;
or

(E) Manufacture, delivery, sale or possession of a controlled substance as prohibited by § 39-17-417.

(2) It shall be the responsibility of the private school or church related school to determine whether any person employed by such school to drive a school bus is in compliance with the provisions of this section.


SECTION 3. This act shall take effect July 1, 2002, the public welfare requiring it and shall apply to any public school, private school or church related school issuing a certificate to drive a school bus or employing or permitting a person to drive a school bus on or after such date.

PASSED: June 19, 2002


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 27th day of June 2002


DON SUNDQUIST, GOVERNOR